

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT P. LARGESS, REP. MARK J.)
CARRON, REP. EMILE J. GOGUEN, REP.)
ROBERT S. HARGRAVES, REP. PETER J.)
LARKIN, REP. JAMES R. MICELI, REP.)
PHILIP TRAVIS, SEN. STEVEN C.)
PANAGIOTAKOS, REP. CHRISTOPHER P.)
ASSELIN, REP. EDWARD G. CONNOLLY,)
REP. JOHN A. LEPPER, REP. ELIZABETH)
A. POIRIER,

Plaintiffs,

vs.

SUPREME JUDICIAL COURT FOR THE)
STATE OF MASSACHUSETTS;)
CHIEF JUSTICE MARGARET MARSHALL,)
JUSTICE ROBERT J. CORDY, JUSTICE)
JUDITH A. COWIN, JUSTICE JOHN M.)
GREANEY, JUSTICE RODERICK L. IRELAND,)
JUSTICE MARTHA B. SOSMAN, JUSTICE)
FRANCIS X. SPINA, in their official capacities)
as Justices of the Supreme Judicial Court of)
Massachusetts; MASSACHUSETTS)
DEPARTMENT OF PUBLIC HEALTH;)
CHRISTINE C. FERGUSON, in her official)
capacity as Commissioner of the Massachusetts)
Department of Public Health; JUDY A.)
McCARTHY, in her official capacity as City)
Registrar for the City of Boston; CITY AND)
TOWN CLERKS 1-350,

Defendants.

Case No. 04-10921-JLT

**MOTION FOR LEAVE TO FILE A REPLY TO SUPREME JUDICIAL COURT AND
JUSTICES' OPPOSITION TO PLAINTIFF'S MOTION FOR TEMPORARY
RESTRANDING ORDER AND IN SUPPORT OF COURT AND JUSTICES' MOTION
TO DISMISS**

COME NOW the Plaintiffs, by and through their undersigned counsel, pursuant to Local Rule 7.1(b)(3), and move this Court for leave to file a Reply to Supreme Judicial Court and Justices' Opposition to Plaintiff's Motion for Temporary Restraining Order and in Support of Court and Justices' Motion to Dismiss. In support thereof, Plaintiffs state and allege as follows:

1. On May 10, 2004, Plaintiffs filed a Complaint and a Motion for a Temporary Restraining Order and Preliminary Injunction.

2. On May 11, 2004, Defendants Supreme Judicial Court for the Commonwealth of Massachusetts and the Justices filed one brief that was both in Opposition to Plaintiff's Motion for TRO and in Support of Court and Justices' Motion to Dismiss.

3. Pursuant to local rules, Plaintiffs are entitled to file a Response in opposition to Plaintiff's Motion to Dismiss, but must obtain leave of Court to file a Reply to any opposition papers.

4. Because Defendants used one brief as both their opposition paper and their brief in support of their Motion to Dismiss, and out of an abundance of caution, Plaintiffs are requesting leave to file a Reply Brief to the extent that their papers can be considered a Reply to Defendant's Opposition.

WHEREFORE, Plaintiffs move for leave of this Court to file a Reply to Supreme Judicial Court and Justices' Opposition to Plaintiff's Motion for Temporary Restraining Order and in Support of Court and Justices' Motion to Dismiss.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery this 12th day of May, 2004, to the following:

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Justice Roderick L. Ireland, Justice Martha B.
Sosman, Justice Francis X. Spina,
Massachusetts Department of Public Health,
and Christine Ferguson

(Counsel signatures next page)

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